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AN

E P I T O M E

OF THE

B I L L

NOW DEPENDING IN PARLIAMENT,

THE BETTER TO PREVENT THE

EXPORTATION OF LIVE SHEEP, WOOL, &c.

AND A

COMPARATIVE VIEW of that BILL, with the LAWS now in being for
the like Purposes.

TO WHICH ARE PREFIXED,

SOME OBSERVATIONS

Upon the Importance of the WOOLLEN MANUFACTURES, and the
REASONS for the present Application.

THE WHOLE HUMBLY SUBMITTED TO THE CONSIDERATION OF

THE LORDS IN PARLIAMENT.

L O N D O N:

PRINTED BY STAFFORD AND DAVENPORT.

M.DCC.LXXXVIII.

REPORT OF THE
COMMISSIONERS OF THE
SHEEP WOLLS
AND
SHEEP



TO THE
HONORABLE MEMBERS OF THE
HOUSE OF COMMONS
AND
THE LORDS IN PARLIAMENT.
THE REPORT OF THE
COMMISSIONERS OF THE
SHEEP WOLLS
AND
SHEEP
FOR THE YEAR 1861.

PRINTED BY STAFFORD AND DAVENPORT.
LONDON.

1862.

[A N]

E P I T O M E
OF THE
B I L L

Now depending in Parliament, &c.

Under the title "Present Laws," is seen what the present Laws are with respect to the Exportation of Wool. What is continued across the page, is such part of the present Laws as is continued by the Bill. The new Clauses stand only under the title, "The Bill."

IT is agreed on all hands, that, for the well being of the State, there ought to be an inseparable connection between the Landed and Manufacturing interests of this kingdom; that the one should partake of the advantages of the other; and that the measure which conduces to the prosperity of both, ought to be most eagerly pursued.—Persuaded of this, after having allowed the Exportation of our Wool, and the Importation of the finished Article, for several centuries, and perceiving that this measure did not tend either to establish or promote the Manufactures of this country, our Ancestors reversed their former policy, and prohibited the Exportation of their Wool. To make a comparison of the different periods must be unnecessary for those who have the least knowledge of our history. The effects of the more modern policy must have exceeded the most sanguine expectations of its most strenuous promoters. That policy now gives daily employment to near three millions of people, from the child of seven years of age to the most decrepit old age; it has advanced all the productions of land above four times their former value *, and raised them to a price far above

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that

* To prove this, we need not go far back; but were we so inclined, we should find that, by the 23 Henry VIII. it was enacted, that Butchers should sell their meat by weight; Beef, at a halfpenny per pound, and Mutton at three-farthings; and Foreign Butchers

that of any other country in the world (Wool excepted, which does not constitute one twentieth part of such productions; in return for which, the Land Owner has peculiar advantages from the Corn laws). This policy, within a century, has trebled the rents of landed estates; it increases the value of the raw material five fold, amounting to a sum almost incredible; and the Woollen and Worsted Manufactures of this kingdom now rank among its principal and most valuable exports.

In opposition to this, there are those who maintain, that this policy was founded in folly, and is continued through obstinacy; and that the true way to improve is to return to what *they* call the wisdom of our Ancestors. To this we are in part approaching, by the bold and daring spirit of the Smugglers of Wool, and by the connivance of those who have a particular interest in its Exportation. The Manufacturers, finding that large parcels of Wool were bought up, and had suddenly disappeared; and that it had become more than ordinarily scarce*; instituted and prosecuted, at a very considerable expence, (by sending persons for that purpose to France, and watching the Smugglers here), a strict enquiry into the cause of such an alarming circumstance; when it appeared, upon the best evidence the nature of the thing would admit, that 13,000 packs of British Long Wool,

were permitted to sell their flesh in Leadenhall Market.—No wonder that Wool was high, when the home slaughter was not equal to the consumption.

In 1533, a fat Ox was sold in London for twenty-six shillings at the most; a fat Wether for three shillings and four-pence; a fat Calf for the same; a fat Lamb for a shilling; three pounds of Beef for a penny; and three ale pints of Milk in summer, and two in winter, for a penny; and this from a farm near the Minories.

* It has been doubted, whether the Manufacturers could work up the Wool grown in this kingdom; but of this they possess an incontrovertible evidence. In the year 1782, the Wool Growers in Lincolnshire asserted, that they had upon hand near three years growth. Now it is supposed that there is not Wool in the kingdom sufficient for the Manufacturers supply, until the next clip can be properly used.

By the return annually made at Pontefract Sessions, in Yorkshire, it appears, that the Cloth Trade only (which is distinct from the Manufacturers of Worsted, Bockings, and Baizes) has decreased in an alarming degree in the last year; and could an account be taken, there is no doubt but that Worsted have decreased in a much greater proportion.

at the least, were exported annually into France; that without the assistance of such Long Wool, the French could not manufacture the Single Worsted Stuffs; and that by these 13,000 packs, they were enabled to manufacture 39,000 packs of Wool of their own growth, and to bring into the foreign market, whither our Worsted Stuffs are chiefly sent, the Manufactures of 52,000 packs of Wool; which is a quantity equal to one-fourth part of the Long Wool shorn in this Kingdom*. Thus has the demand for British Worsted been diminished, and consequently (notwithstanding the blessings of peace) they have been reduced in price; and by this reduction are the Manufacturers in Britain disabled from paying the advanced price of Wool, in the only natural and healthful way; viz. by an advance of the Manufactured Article; but this advance, they are persuaded, will be most assuredly obtained by preventing the Smuggling of our Wool. To obtain this (the attainment of which would also cut off the chief inducement to the Smuggler to run Brandies, and other products of France, into this kingdom), is the object of the present Bill; and which has been carried by considerable majorities in the House of Commons. The attempt to procure this remedy is made, not by increasing (as charged by the Opponents of the Bill) any oppression (if regulations by Law can be so called) which the Landed Interest has long laboured under—not by subjecting the Graziers to many restrictions and difficulties, and exposing them to the hazard of continual prosecutions, or the burthening them with new grievances, or what would be oppressive, or even to their injury; but by reducing the present Laws, now consisting of about twenty, into one Act (except so much as particularly relates to the counties of Kent and Suffex, which, on account of their contiguity to the coasts of France, are under peculiar restric-

* The whole of the Wools grown annually in this kingdom, is estimated at 600,000 packs, of which 300,000 packs are supposed to be pulled from slaughtered Sheep Skins. Of the remaining 300,000 packs, 100,000 are estimated to be Cloathing, or Short Wool; and the remaining 200,000 Long, or Combing Wool: of which last quantity, France is only particularly desirous.

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tions *), and giving to the principle of those Laws energy and effect ; and this, not by encreasing punishments, but by mitigating them ; not by drawing closer the restraints, but by relaxing them, so as to accommodate Scotland, and the different situations of this country ; as will appear by the following Statement.

The PRESENT LAWS.

The Exporters of Live Sheep are, for the first offence, to forfeit and lose all their goods for ever—suffer one year's imprisonment—and have their left hands cut off and nailed up in the openest place of some market ; and persons often offending, are to suffer death. 8 Eliz. c. iii.

Further, such offenders are to forfeit 20s. for every Sheep. The interests of the Owners of Ships employed in such Exportation, are to be forfeited, and the Master and Mariners knowing thereof, are to lose all their goods and chattels, and to be imprisoned three months. And it is provided, that this statute shall not take away any greater pains or penalties ; and also, that persons convicted shall not be capable of recovering any debts. 12 C. II. c. xxxii.

Wether Sheep may be shipped on board of vessels, for the necessary food or diet of the crew and passengers. 12 C. II. c. xxxii. s. 11.

The BILL.

The Exporters of Live Sheep are to forfeit £. 3 for every Sheep or Lamb which shall be exported, and suffer solitary confinement for three months in some gaol or house of correction, and until the penalty shall be paid ; so as the imprisonment for the non-payment of the forfeiture doth not exceed 12 months : and in case of a second, or other subsequent offence, the forfeiture to be £. 5 for every Sheep or Lamb, and suffer such solitary confinement for six months, and until the penalty shall be paid ; so as the imprisonment for the non-payment of the penalty doth not exceed two years ; and the ship, or vessel, shall be forfeited.

Provided that the same be shipped with the licence of the Collector and Comptroller of the Customs, at the port, and in the presence of an Officer.

* The 9 & 10 W. III. which particularly relate to these counties, oblige persons, residing within fifteen miles of the sea, to enter into bond not to sell Wool to any person within fifteen miles of the sea ; and Wool Shorn within ten miles of the sea, is prohibited from being lodged within fifteen miles of the sea, after its first removal. Both these restraints are modified by the Bill (vide page 10 of this Epitome). In other respects, the Law still continues the same.

Provided

The PRESENT LAWS.

The Exportation of Worsted Yarn made in Norfolk, is prohibited under the penalty of 40s. per pound. 33 H. VIII.

That the Exporters of Wool, Woolfels, Mortlings, Shortlings, Yarn made of Wool, Wool Flocks, Fullers Earth, and Fulling Clay, shall forfeit the Articles exported, and 3s. for every pound weight thereof. That the interests of the persons concerned in

The BILL.

Provided that if there was no Collector, &c. at the port, then that any Officer may give such licence.

Provided that Sheep may be shipped on board vessels for such purposes, bound only to and from some port or place between the Mull of Cantire and Cape Wrath, in Scotland, ~~without any licence.~~

That Sheep may be removed to and from the islands adjacent to the coast of Scotland, and the main land thereof, without any restriction.

Provided that a bond of £100 be given, that Sheep, &c. shall not be exported, and a licence obtained to remove them, in manner above-mentioned, from some Justice of the Peace, or Officer of the Revenue *.

That the licence shall express the name of the person licensed, and the names and situations of the islands, and shall continue in force until the bond shall be forfeited.

That the Exporters of Wool, or any other the articles now prohibited from being exported, shall, for the first offence, forfeit 3s. for every pound weight, or £50 †, at the election of the person who shall sue for the same, and also suffer three months solitary confinement, and until the penalty shall be paid; so as not to exceed, for the nonpayment thereof, 12 calendar months; and for the second,

* These provisions were introduced into the Bill with the approbation of three of the Representatives for Scotland.

† It has not been uncommon to detect the Exportation of Wool, and yet not to be able to ascertain the quantity, so as to fix the reward; and for this reason a sum certain is given, which is not equal to the penalty for smuggling one pack and a half of Wool.

THE PRESENT LAWS.

in the Ship employed in such Exportation, and the goods and chattels of the Master and Mariners, shall be forfeited, who shall likewise be imprisoned for the space of three months. And every person who shall be convicted of exporting Wool, shall be disabled from recovering any debt or estate belonging to him. 12 C. II. c. xxxii.

The Exportation of Tobacco-pipe Clay is prohibited under the penalty of 3s. per pound. 13 & 14 C. II. c. xviii.

The Exportation of Fuller's Earth and Scowering Clay, is also prohibited, under the forfeiture of 1s. for every pound weight. 9 & 10 W. III. c. xl.

The Exportation of Coverlets, Wadding, and other Manufactures, or pretended Manufactures, made of Wool slightly stitched, or otherwise put together, so as the same might be reduced to, and made use of, as Wool again; or Mattraffes, or Beds, stuffed with Combed Wool, or Wool fit for Combing, is prohibited under the like penalties as the Exportation of Wool. 12 Geo. II. c. xxi.

That every ship or vessel employed in the Exporting of Wool, Woolfels, Mortlings, Shortlings, Yarn made of Wool, Wool Flocks, Fullers Earth, and Scouring Clay, shall be forfeited, and treble the value of the Commodities exported. 7 & 8 W. III. c. xxviii.

And that the inhabitants of the Hundred next adjoining to the Sea, through

THE BILL OF 1701

second, and every other subsequent offence, shall forfeit 3s. for every pound weight, or £. 5, at the election of the person who shall sue for the same; and also suffer six months solitary confinement, and until the penalty shall be paid, so as not to exceed, for the non-payment thereof, the space of two years; and that the Ship, Waggon, Carriages, and Horses employed in and about such Exportation, and the Articles exported, shall be forfeited.

The PRESENT LAWS.

through which the commodities shall be carried, shall be liable to pay treble the value thereof. 7 & 8 W. III. c. xxviii.

That in case the person against whom judgment shall be obtained, for any penalty incurred for the unlawful Exportation of any of the aforesaid Articles, shall not pay the sum recovered, within the space of three months after the entering up of such judgment, such persons may be transported for the term of 7 years. 4 G. I. c. xi. *

The last-mentioned Act shall be extended to the Aiders and Abettors of such Exportation. 12 G. II. c. xxi.

That all Wool which shall be carried to any port in the kingdom, with an intent to convey the same to any other port in the kingdom, shall be entered at the port from whence the same is intended to be conveyed, before the same shall be loaded or carried, within 5 miles of such port; otherwise the Wool and Carriages conveying the same shall be forfeited, and the persons carrying, aiding, or abetting therein, shall be punished as Exporters. 1 W. & M. c. xxxii. f. 2.

The above Coast Regulation is extended to Woolfells, Mortlings, Shortlings, Yarn made of Wool, Wool Flocks, Fullers Earth, Ful-ling Clay, and Tobacco-pipe Clay. 5 G. I. c. xi. f. 14.

The BILL.

Provided that Tobacco-pipe Clay may be sent from any part of the kingdom to the West Indies.

The same, *except that the punishment of the person conveying the Wool is entirely left out*; the forfeiture of the Wool, &c. being deemed a sufficient punishment for such an equivocal Act.

* Thus, therefore, the rich offender will escape by a fine, while the poor and needy smuggler may be transported to Botany Bay.

The PRESENT LAWS.

Provided that nothing in the said 2d sect. of 1 W. & M. c. xxxii. should hinder any person from carrying his Wool from the place of shearing, to his dwelling-house, or outhouses, though the same were within five miles or less of the sea; notice of removal being first given to the Officers of the Customs at the adjacent port. 1 W. & M. c. xxxii. sect. iii.

The BILL.

Provided if such adjacent port was at a greater distance than five miles from the dwelling house of such person or persons, that then the notice might be given to a Justice of the Peace, or any Officer of his Majesty's Revenue, nearest to such person's dwelling-house.

That Wool, &c. lying near the sea, or any navigable river, with intent to be exported, may be seized, and shall be forfeited. 12 C. II. c. xxxii. f. 7.

Provided that a limited quantity of Wool may be shipped, under certain regulations, to the islands of Jersey, Guernsey, Alderney, and Sark. 12 C. II. c. xxxii. f. 12. 1 W. and M. c. xxxii. f. 14.

That such quantity shall be 4000 tods annually to Jersey, 2000 tods annually to Guernsey, 400 tods annually to Alderney, and 200 tods annually to Sark. *Ibid.*

That the Governors of such islands shall take one shilling for a licence to bring Wool to the said islands. 12 C. II. c. xxxii. f. 14.

That no Wool, &c. shall be put on board alien ships, except Lamb Skins prepared for Fur or Linings. 12 C. II. c. xxxii. f. 9 & 10.

The fourth and fifth sections of 9 & 10 W. III. c. xl. directing that all persons residing within fifteen miles of the sea, in the counties of Kent

The PRESENT LAWS.

That no Wool shall be carried within five miles of the sea coast between sun setting and sun rising. 7 & 8 W. III. c. xxviii. s. 8.

The BILL.

Kent and Suffex, shall enter into bond, before they buy any Wool, not to sell the same again to persons residing within fifteen miles of the sea; and that no Wool shorn within ten miles of the sea, in these counties, after its first removing, should be housed again within fifteen miles of the sea (and the inconveniences from these restrictions) being recited, it is enacted, that such persons may sell Wool to persons alike bound, and remove and lodge their Wool as often as necessary, giving notice thereof, as the Act directs.

Provided that Wool shorn within ten miles of the sea coasts of Kent or Suffex, may be carried to any fair by virtue of a permit.

That the Wool shall be accompanied by the permit, which shall specify the quantity.

That if the Wool return from the fair unfold, that it shall be under the same restrictions as before.

That every person who shall alter a certificate or licence, shall forfeit the sum of £. 20.

That no Wool shall be carried towards the sea, within five miles of the sea coast, between sun setting and sun rising.

Provided that any farmer or grower of Wool may, at any time after sun setting, remove the Wool shorn that day, from the place of shearing to his storehouses.

Provided that Woollen or Worsted Yarn, twisted of two or more threads,

The PRESENT LAWS.

That all Wool, Woollen, and Worsted Articles, shall be packed in leather or canvas, and marked "Wool" on the outside, or the Articles forfeited, and 3s. per pound. 12 G. II. c. xxi. f. 10.

That persons who shall pack Wool, or any such Articles, in any box or barrel, or shall cause the same to be pressed by any engine into any butt or pipe, shall forfeit 3s. per pound, and also such Articles. 13th and 14th C. II. c. xviii. f. 7.

The BILL.

and prepared for knitting, may be removed in parcels of not more than 14 lb. to one person at one time.

That all Wool, &c. shall be packed in leather or canvas, and marked "Wool" on the outside, or the Articles shall be forfeited; and any sum not exceeding 1s. per lb.

That the Justice may order such Wool to be returned; but then the penalty shall not be reduced below 6d. per lb.

That all such persons shall also be punished as Exporters of Wool.

That persons who shall have assisted in such package, and shall discover the Master Packer, shall not be liable to any penalty.

That if the Master Packer shall discover who employed him to make such illegal package, he shall not be liable to such pains and penalties.

That no cask shall be put on board any vessel till the same shall have been searched, and a sufferance obtained.

* That Wharfingers who shall keep a wharf to receive Wool shall give bond that they will give a regular account of Wool by them received and delivered.

That Wharfingers shall give notice of the Wool by them received to the

* Upon this and the following Clause the Wharfingers were consulted, and the same were thus framed with their entire approbation,

The PRESENT LAWS.

That no Wool, &c. shall be shipped to be carried coastwise, before notice shall be given at the port from whence the same is intended to be shipped, and bond given for the due landing thereof. 12 G. II. c. xxi. f. 11.

The BILL.

Custom-house Officer, if any, at the port where such wharf shall be kept.

That the carrying of Wool upon the lochs and inlets of the seas in Scotland only, and to and from the islands adjacent to that coast, shall not be deemed shipping to be carried coastwise*.

That the Customer at the port from whence Wool, &c. shall be shipped, shall transmit an account thereof to the Customer at the port to which the same is intended to be conveyed; and before any bond shall be discharged, a certificate shall be produced of such Wool, &c. being duly landed. 12 G. II. c. xxi. f. 11.

That no Wool, &c. shall be put on board vessels bound to foreign parts, under the penalty of such Wool, &c. and ship, being forfeited, and the Master being punished as an Exporter, unless such Master discover the Shipper. 12 G. II. c. xxi. f. 23.

Provided that the Masters of vessels not regularly cleared out, shall not have any benefit or exemption from such discovery.

Provided that where it shall appear from the smallness of the quantity of any Wool, &c. which shall be found on board any ship regularly cleared out, or in any waggon, that the same might be there without the knowledge of the Owner or Master, no punishment

* Vide the Note, page 7.

The PRESENT LAWS.

The BILL.

or forfeiture in any such case shall
ensue. 24 G. III. c. xlvii. f. 2. *

Provided that the Articles seized
shall be forfeited. *Ibid.* sect. 3.

That a register of all Wool, &c. sent coastwise, shall be kept,
and a copy thereof transmitted to the Custom House in London.
1 W. & M. c. xxxii. f. 11.

That no Wool, which shall be
on board any vessel to be carried
coastwise, shall be unpacked.

That all Wool, &c. shall be shipped and landed in the presence
of the proper Officer, and at lawful quays. 12 G. II. c. xxi. f. 13.

That all cockets shall be wrote upon paper, and shall not be
erased or interlined. 1 W. & M. c. xxxii. f. 4.

That persons insuring Wool, &c. to be delivered in foreign parts,
shall be deemed Exporters, and so punished. 12 G. II. c. xxi. f. 29.

That the insured shall be subject to the like penalty. *Ib.* sect. 30.

That the persons insuring, or becoming the insured, who shall
first discover the offence, shall be acquitted. *Ibid.* sect. 31.

That all insurances on Wool, &c. shall be void. *Ibid.* sect. 33.

That the Lord High Admiral shall
appoint cruizers, with orders to seize
all ships bound to foreign parts, hav-
ing Wool, &c. on board. 10th &
11th W. III. c. x. f. 16. 5th G. II.
c. xxi. f. 1.

That the Master of any cruizer may search any ship within his sta-
tion. 5 G. II. c. xxi. f. 2.

That Ships, Wool, &c. which shall be seized by any cruizer,
shall be sold to the best bidder. *Ibid.* f. 3.

* By the present Laws, in case any Wool, however small the quantity, be found on
board a Ship bound to foreign parts, such Ship is liable to be forfeited, and the Master
to be punished as an Exporter.

That

The PRESENT LAWS.

That the Commander of any such cruizer, who shall neglect his duty, shall be punished. 10 & 11 W. III. c. x. f. 18.

That Revenue Officers only shall seize articles prohibited from being exported. 12 G. II. c. xxi. f. 14.

That officers of the revenue, who shall neglect their duty, shall be punished. 12 G. II. c. xxi. f. 16.

That persons acting under any deputation from Commissioners of the Customs, Excise, or Salt, shall be deemed Officers to execute this Act. 12 G. II. c. xxi. f. 24.

That all persons who shall make collusive seizures, shall be deemed and punished as Exporters of Wool, except such as shall turn Informers. 12 G. II. c. xxi. f. 16.

That all persons who shall prevent or hinder the execution of this Act, or shall wound or beat any one who shall be in the execution thereof, shall be transported. 12 G. II. c. xxi. f. 26.

That persons offering to bribe any Officer, or other person, to connive at the Exportation of Wool, &c. shall forfeit the sum of £. 300. 12 G. II. c. xxi. f. 25.

That Officers of the Revenue who shall neglect their duty, shall be punished as Exporters of Wool. 1 W. & M. c. xxxii. f. 5.

That bonds which shall be taken in pursuance of this Act, shall not be chargeable with any stamp. 12 G. II. c. xxi. f. 28.

That in all questions upon this Act, the proof of the breed of the Sheep, or growth of the Wool, to be of this kingdom, shall not be upon the seizer or prosecutor.

That all seizures and penalties may be sued for in the Superior Courts, or may be determined in a summary way before two Justices. 13 & 14. C. ii. c. xviii. f. 12.—12 G. II. c. xxi. f. 18.

Provided

The BILL.

That Revenue Officers by themselves, and all other persons in company of a Constable, or other Peace Officer only, may examine and seize the articles prohibited from being exported.

Extended to Peace Officers.

The PRESENT LAWS.

That penalties not before appropriated shall go and be paid between the Informer and the Officer of the Revenue who shall assist in making any seizure. 12 G. II. c. xxi. s. 19 & 21.

The BILL.

Provided that no penalty or forfeiture, amounting to more than £. 200, shall be recovered in a summary way.

That the Justices may order the goods seized to be sold, and the penalties levied upon the goods and chattels of the offender.

That Officers of the Revenue, and Officers of the Peace, may seize upon and arrest persons actually attempting to export Sheep, Wool, &c. and convey them before a Magistrate. 19 G. III. c. lxxxi. s. 8.

That Officers making the arrest shall be bound over to prosecute. *Ibid.* s. 11.

That in cases respecting pecuniary penalties only, where it shall appear to the Magistrate that the penalty incurred cannot be levied from the goods of the offender, every such offender may be committed for any time not exceeding three months. 26 G. III. c. lxxxi. s. 49.

That if the offender give security, to the satisfaction of the Magistrate, for the payment of the penalty incurred by him, that then every such offender may be set at liberty. *Ib.* s. 49.

That all persons who shall think themselves aggrieved, may, upon entering into recognizance, appeal to the sessions. *Ibid.* s. 50.

That

The PRESENT LAWS.

The BILL.

That Appellants who shall pay the penalty by way of deposit, may appeal, upon their entering into recognizance, without sureties. 26 G. III. c. lxxxii. sect. 51.

That all persons who shall appear to be necessary witnesses for either party in any complaint or information, may be compelled to appear and give their evidence before Two Justices; and if such persons prevaricate, or refuse to give evidence, may be committed. *Ibid.* sect. 44.

That persons taking greater fees than allowed by this Act, shall forfeit 5s. for every penny that shall be taken over and above the fee allowed. 12 C. II. c. xxii. f. 14.

That persons who shall be prosecuted for any penalty incurred by this Act, shall be obliged to give bail. 10 & 11 W. III. c. x. f. 20.

That all actions that shall be prosecuted by virtue of this Act, shall be tried by a jury to be summoned out of any other county than that wherein the fact shall be committed. 7 & 8 W. III. c. xxviii. f. 11.

That judgment by default may be entered against any person who shall be in prison, and who shall refuse to plead. 4 G. I. c. xi. f. 6.

That where no seizure shall happen to be made whereby the informer can be rewarded, a reward shall be paid to him by the Commissioners of the Customs. 12 G. II. c. xxi. f. 22.

Provided that no person shall be prosecuted for any offence done contrary to this Act, unless such prosecution shall be commenced within the space of three years next after the offence committed. 9 & 10 W. III. c. xl. f. 9.

That the first three persons who shall be aiding in the exporting of any of the said articles, and who shall give information thereof, shall not suffer any of the penalties or punishments herein before mentioned. 7 & 8 W. III. c. xxviii. f. 11.

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Provided

The PRESENT LAWS.

Provided that the Owner or Master of any ship, who shall give the first information, within a limited time, of the Exportation of any of the said articles, and enter into recognizance to give evidence of the same, shall not be liable to any of the penalties contained in this Act. 13 & 14 C. II. c. xviii. f. 11. and 1 W. & M. c. xxxii. f. 8.

The BILL.

After reciting the Act passed in the twenty-third year of King Henry the Eighth, whereby the seller of deceitful Wool is to forfeit, for every fleece deceitfully wound, 6d. (one moiety to the King, and the other to the finder or prover of the said deceit, to be recovered by action of debt); and also, after reciting that the said Law had not now the good effects thereby proposed, by reason of the said penalty being so small *, and one moiety thereof being directed to be paid to the King, and the great expence attending the recovery of the same—enacts, That, in lieu of 6d. the penalty shall be 2s. and that the same shall be recovered in a summary way.

Provided that if the matter complained of appears not to have been done to deceive the buyer, that then the complaint shall be dismissed.

* Among a number of witnesses who were ready to be adduced to prove the great deceits in the Winding of Wool, and the inadequacy of the present penalty to prevent it—an eminent Woolstapler was only examined; when he proved that he was defrauded in an instance where the offender, after paying to him the whole of the penalty, was a gainer of 3d. per fleece.

That

The PRESENT LAWS.

The BILL.

That where the penalty shall not be paid within six days, the same may be levied by warrant of distress and sale.

That if the seller of the Wool falsely wound, convict the person who actually wound such Wool, that then the seller shall not be liable to any penalty.

That all persons convicted shall have liberty to appeal, upon entering into recognizance to try such appeal.

That no conviction shall be set aside through want of form.

That persons may be sworn in Winders of Wool as well before Justices of the Peace as before the Mayor of the Staple.

That no prosecution shall be commenced for any offence against the Laws now in being against the Exportation of Wool, done before the 1st of May, 1788.

That his Majesty's share of all fines for any such offence shall be discharged.

That if any person claiming the benefit of this Act bring an action against an Officer, on occasion of the offenders released, he may plead the general issue, and recover costs.

That the Act shall not release, as to the Officer's part, any penalty recovered, or suit commenced.

That all actions which shall be brought against any person for any thing done by virtue of this Act, shall be brought within a limited time, &c. &c. 19 G. II. c. xxxii.

To conclude—In answer to such as consider the prohibiting the Exportation of Wool as a deprivation of their natural rights, it is
to

to be observed, that the transporting of Wool or Sheep out of this kingdom, to the detriment of its staple Manufactures, was prohibited by the Common Law, and more particularly by a Statute of Edward III. when the *importance of our Woollen Manufacture was first attended to*; and that it was under this wise and magnanimous Prince that *our manufactures were established, by prohibiting the Exportation of Wool*, and the wear of foreign woollen cloths, and by encouraging clothmakers from other countries to settle in England. Blackst. Com. vol. iv. p. 421.

P. S. By the Advertisment of a Meeting intended to be held the 23d of this instant May, at the Thatched House Tavern, by the opponents to the Bill, it appears that the reasons for their opposition are now confined to 'the temptation held out to informers against persons who may inadvertently and innocently deviate from the regulations thereby ordained; and that the same appears to be pregnant with consequences extremely injurious to the Landed Interest in this kingdom.'—To this it is answered, That inadvertent and innocent deviations are protected by the Bill, in a manner unknown to the present Laws, as appears by the Clause and Note, page 14; and the liberties given by the Bill, in various instances, render the distinction of actions much more evident. As to the temptation held out to informers, by giving to them the whole of the penalties, it is to be observed, that by 12 G. II. c. xxi. sect. 19, it is enacted, That all the forfeitures and penalties before in that Act mentioned, except where the same were otherwise directed, should be to the use of the person seizing, informing, or suing for the same. And it is to be noted, that this Act forfeits ships, and imposes penalties of 3s. per pound weight of articles exported, and says not one word as to the direction of such forfeitures and penalties; and consequently, in these cases, they are wholly given to the informer; which is a temptation equal to any held out by this Bill.



